## IN THE UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD DIVISION OF JUDGES

LAMB WE	ESTON, INC.			
		)		
	Respondent,	)	Case No.	15-CA-207924
And	•	)		
		)		
<b>AMANDA</b>	DEXTER,	)		
	An individual	)		
		)		
	Charging Party.	)		
		)		

## RESPONDENT'S MOTION FOR PERMISSION TO FILE A REPLY BRIEF

Respondent Lamb Weston, Inc. by undersigned counsel, and pursuant to the Board's Rules and Regulations, requests permission of the Administrative Law Judge to file a Reply Brief. Respondent requests permission to file a Reply Brief for the following reasons:

- This case arises out of challenged work rules. The matter was tried before Administrative Law Judge ("ALJ") Arthur Amchan in New Orleans, Louisiana, on September 14, 2018.
- Respondent and Counsel for the General Counsel filed Post-Hearing Briefs on October 19, 2018.
- 3. Upon information and belief, this case is one of the first work rule cases to be tried by Region 15, and certainly for counsel for Respondent, that discusses the General Counsel's challenge of work rules after the NLRB's decision in *The Boeing Co., Inc.*, 346 NLRB No. 154 (Dec. 14, 2017), which significantly altered the analytical framework in work rule cases.

4. Respondent submits that the ALJ will benefit from receiving a Reply Brief from each party as the ALJ considers the evidence and reaches a conclusion on the

challenged work rules.

5. If the ALJ grants permission for the parties to file Reply Briefs, Respondent

submits that the Reply Briefs should be filed with fourteen (14) days of the ALJ's

Order granting permission to file a Reply Brief, and each party's Reply Brief

would be limited to ten (10) pages or less.

6. Respondent's counsel has conferred with Andrew Miragliotta, Counsel for

General Counsel, regarding the Region's position on this motion. Mr.

Miragliotta represented to Respondent's counsel that the Region does not

oppose Respondent's motion.

7. For the foregoing reasons, Respondent respectfully requests that the ALJ grant

Respondent's motion and permit the parties to file a Reply Brief in this matter.

Respectfully submitted this this 23<sup>rd</sup> day of October, 2018.

s/Steven R. Cupp

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## Attorneys for Respondent

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of October, 2018, a true and correct copy of the foregoing **RESPONDENT'S MOTION FOR LEAVE TO FILE A REPLY BRIEF** was filed using the National Labor Relations Board on-line E-filing system on the Agency's website and copies of the aforementioned were therefore served upon the following parties via electronic mail on the 23rd day of October, 2018, as follows:

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s/Steven R. Cupp Steven R. Cupp, Esq. FISHER & PHILLIPS LLP